

[Menu](#)[Back to All Commentary](#)Feb 24, 2022 | [Commentary](#)

Parents Get Reported for Neglect After Keeping Kids Home During COVID Surge

For families who have lost so much to the pandemic and are doing their best to keep their children safe, a child protective investigation is the last thing they need.

[Education](#)[Racial Justice](#)

Share:

By: **Jenna Lauter** Policy Counsel, Policy

The Guardian and the 74 recently told the story of Paulette Healy, a Brooklyn parent who decided to keep her children in remote learning after losing more than a dozen relatives to COVID-19. As a result, school staff reported her for “educational neglect,” and her family spent months under investigation by the New York City Administration for

Children's Services (ACS).

The disproportionate impact of COVID on communities of color has been well-documented. Now, the “child welfare system” — better understood as the family regulation system — is compounding the harm many families have suffered by punishing parents who hesitate to send their children back to in-person school.

For families who have lost loved ones and jobs to the pandemic and are doing their best to keep their children safe from a highly contagious disease, a child protective investigation is the last thing they need as they strive to heal and get back on their feet.

Under the latest guidance from the State Education Department and Office of Children and Family Services, absenteeism rises to the level of educational neglect when a student's excessive absences “adversely affect [their] educational progress.” However, even this guidance cautions that “a call to [child protective services] is an option of last resort.”

ACS intervention is a severe disruption that can embroil a family in years-long investigations, court proceedings, and mandated “services.” It adds complexity, distraction, and stress into their lives. It's also unlikely to resolve underlying causes of school absences. Such intervention will do especially little for parents keeping their children home from school due to legitimate concerns about COVID, especially when they are attempting to maintain participation through remote learning.

“Rather than supporting communities still fighting the

pandemic, the government is penalizing them for taking reasonable steps to protect their children.”

Last fall, ACS and the New York City Department of Education issued joint guidance discouraging educators from reporting parents who kept children home out of concerns about COVID. Despite this directive, New York City school personnel made more than 800 reports of educational neglect to the statewide central register for child abuse and maltreatment during the first three months of the 2021-22 school year. In more than half of these reports, educational neglect was the sole allegation.

The NYCLU has received requests for legal assistance from families keeping their students home due to the student or a family member’s immunocompromised status. One school in question is aware of the family’s health issues, but fails to provide full remote learning opportunities. School staff perform wellness checks and mark the student absent, which may lead to an investigation by ACS in the future.

These reports open the door to increased government surveillance of families’ private lives, causing disruption, trauma, and possibly even family separation. The agency may bring an action in court, where parents are often ordered to complete onerous classes and service requirements that counterintuitively make it harder to work and take care of their children. In some cases, ACS may seek to have the children removed and placed in foster care.

The family regulation system disproportionately impacts low-income families of color—many of the same communities that have been hardest hit by COVID. For example, in New York City, approximately 90 percent of children named in ACS

investigations are Black or Latinx, despite making up only 60 percent of the City's youth. At the same time, COVID fatality rates for Black and Hispanic New Yorkers are more than double those for white residents. And, despite public eagerness to consider the pandemic a thing of the past, COVID continues to take a serious toll.

During January 2022, more than 108,000 student cases were reported by the DOE, with an in-school prevalence rate of 15 percent. Moreover, only 37 percent of children under 17 have been fully vaccinated, increasing their risk for hospitalization and severe infection.

Rather than supporting communities still fighting the pandemic, the government is penalizing them for taking reasonable steps to protect their children. New York City public school enrollment is declining, and using coercive powers to force students back into school buildings is the exact wrong approach.

To build parents' confidence that their kids are safe, the City must repair and update aging school infrastructure with a focus on air quality. It must reduce class sizes and school overcrowding to levels that permit social distancing. It should do a better job supporting educators and school staff to slow attrition.

The City should also invest in digital learning tools that are pedagogically sound, privacy-protective, and accessible to all students, including those who are temporarily absent due to disability or health-related reasons. The benefits of quality digital learning tools go far beyond the pandemic. They prevent education gaps for a myriad of reasons and allow students to access courses and materials that aren't offered in their

schools.

ACS is the wrong tool to help families weathering the pandemic get back on their feet. Most families experience ACS as a punitive institution. Further destabilizing already-vulnerable communities by investigating them for “educational neglect” is a cruel and unproductive response to the difficult choices parents have been forced to make amidst the continued public health crisis. It’s also further evidence that the family regulation system is ripe for change.

Related Content

Oct 28, 2021 | [Commentary](#)

How the So-Called “Child Welfare System” Hurts Families

Racial Justice

Economic Justice

Oct 12, 2023 | [Actions](#)

Curtail the Racist ‘Child Welfare’ System

Racial Justice

Economic Justice

As bold as the spirit of New York, we are the NYCLU.

Donor 

Home

Issues

About

Resources

Ideas

Get Involved

Press

User Agreement

Privacy Statement

Website Accessibility

Federal Transparency In Coverage

© 2024 New York
Civil Liberties Union

